

REMARKS

Applicants respectfully request reconsideration of this application. Claims 1, 8, 23, 30, 32, 35, 38, 42, 43, 47 and 53 have been amended. Claims 9, 17, 36 and 60 have been cancelled. No claims have been added.

In the specification, paragraphs [0021], [0026] and [0029] have been replaced to fixed typographical errors. FIGS. 4A, 5A and 5B have been replaced to fix typographical errors and add missing labels. Claims 8, 32, 35, 38, 43 and 47 have been amended to correct typographical errors.

Rejections Under 35 U.S.C. §112

Examiner rejected claims 9 and 17 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse. The presence of a trademark or trade name in a claim is not, *per se*, improper under 35 U.S.C. § 112, second paragraph. MPEP 2173.05(u). Names used in trade are permissible in patent applications if, at the time of filing of the complete application, (A) their meanings are established by an accompanying definition which is sufficiently precise and definite to be made part of a claim or (B) in this country, their meanings are well-known and satisfactorily defined in the literature. MPEP 608.01(v). Applicants submit that Quicktime® is sufficiently precise and definite and well-known and satisfactorily defined in the literature. However, Applicants have cancelled claims 9 and 17, as well as claims 36 and 60, and therefore respectfully request withdrawal of the rejection.

Rejections Under 35 U.S.C. §102

Claims 1-17, 20-36, 39-47 and 50-60 were rejected under 35 U.S.C. 102(b) as being anticipated by *Gill* et al., U.S. Patent No. 6,081,262 ("*Gill*"). Applicants respectfully submit that *Gill* does not anticipate the present claims.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987).

Applicants have amended independent claims 1, 23, 30, 42 and 53. Independent claims 1, 23, 30, 42 and 53 now include limitations directed towards clarifying that the scene is capable of translational and rotational manipulation, as was described in the specification. *Gill* does not disclose a scene capable of translational and rotational manipulation and therefore does not include at least one limitation of claims 1, 23, 30, 42 and 53.

*Gill* describes a multi-media authoring tool extension of a page based print document layout system, such as the QuarkXPress, to combine media objects of multiple types into an integrated multi-media presentation. (*Gill*, Col. 3, lines 10-15). The multi-media authoring tool operates in conjunction with a page based document layout system to extend the menu based, static object manipulation capability of the page based document layout system to encompass dynamic multi-media objects, such as run-time videos and pop-up menus. (*Gill*, Col. 5, lines 18-22 and Col. 3, lines 62-65). However, although the presentation includes dynamic objects, the presentation itself is not dynamic. That is, the presentation cannot be translationally and rotationally manipulated. Therefore, the presentation of *Gill* cannot be the scene of claims 1, 23, 30, 42 and 53.

Thus, *Gill* fails to teach or suggest all of Applicants' claimed limitations. Accordingly, *Gill* does not anticipate independent claims 1, 23, 30, 42 and 53. Claims 2-22, 24-29, 31-41, 43-52 and 54-60 depend, directly or indirectly, from one of the foregoing independent claims. Therefore, *Gill* fails to anticipate claims 2-22, 24-29, 31-41, 43-52 and 54-60 for at least the reasons discussed above with respect to claims 1, 23, 30, 42 and 53. Withdrawal of the rejection is respectfully requested.

#### Rejections Under 35 U.S.C. §103

Claims 18-19, 37-38 and 48-49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gill* in view of U.S. Patent No. 5,724,106 to *Autry*, et al. ("Autry").

Applicants respectfully submit that the present claims are patentable over *Gill* and *Autry*. The cited references do not teach or render obvious, either individually or in combination, all of the elements of Applicants' claims.

As discussed above, *Gill* does not teach or suggest the limitation of independent claims 1, 30 and 42, from which claims 18-19, 37-38 and 48-49 depend, directed towards a scene capable of translational and rotational manipulation. Applicants respectfully submit that *Autry* also does not teach or suggest the claimed limitation missing in *Gill*. *Autry* is directed, instead, towards a hand held remote control device used to control a cursor displayed on a monitor as part of a graphical user interface into a home entertainment system. Therefore, neither *Gill*, nor *Autry*, nor the combination thereof teach or suggest the claimed limitations of independent claims 1, 30 and 42, and therefore do not teach or suggest the claimed limitations of dependent claims 18-19, 37-38 and 48-49. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 18-19, 37-38 and 48-49 under 35 U.S.C. § 103(a).

CONCLUSION

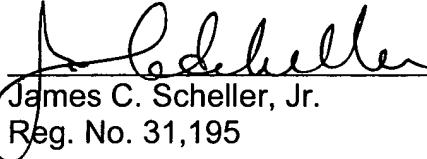
Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call James Scheller at (408) 720-8300, x312.

Pursuant to 37 C.F.R. 1.136(a)(3), Applicants hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: Nov. 15, 2004

  
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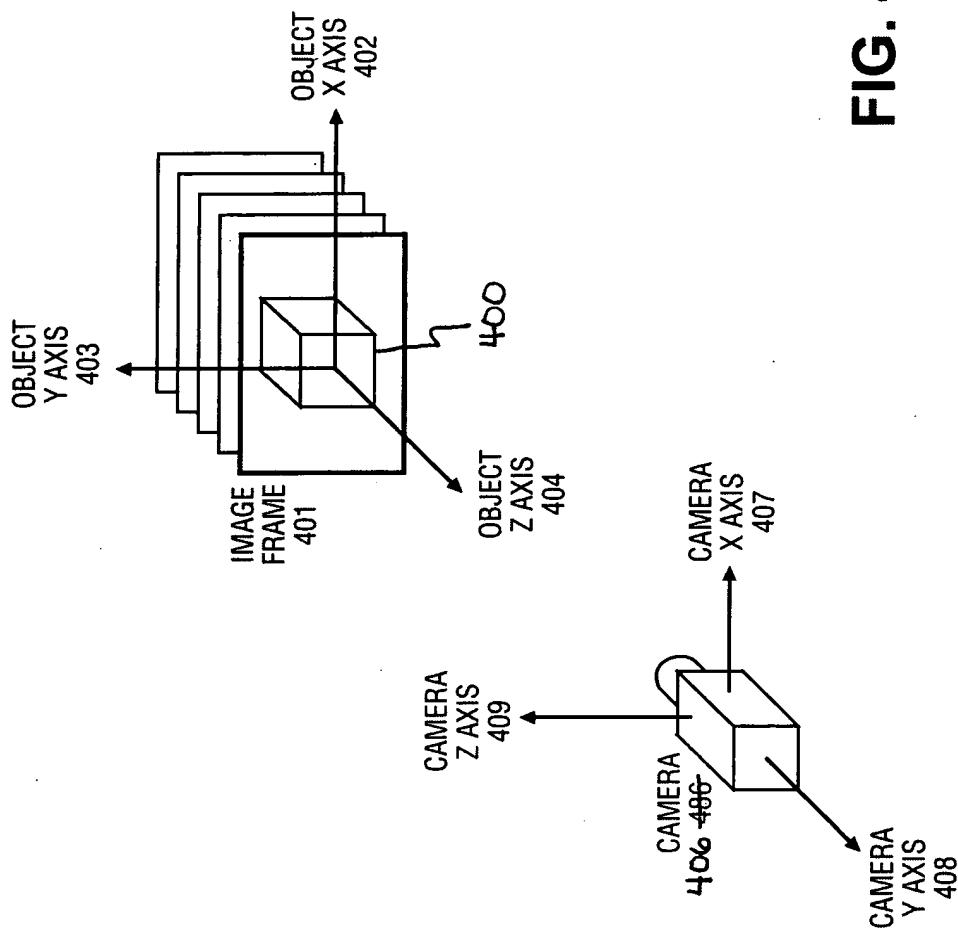
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AMENDMENT TO THE DRAWINGS

Corrected replacement drawings for FIG. 4A, FIG. 5A and FIG. 5B are included with this response. Annotated marked up drawings sheets have also been included for the Examiner's convenience.

FIG. 4A has been amended to conform to paragraph [0029] of the specification. Specifically, FIG. 4A has been amended to add missing label 400 and amend label 486 to 406. FIGS. 5A and 5B have been amended to conform to paragraph [0035] of the specification. Specifically, FIG. 5A has been amended to add label 500 and FIG. 5B has been amended to add label 510.

Annotated Sheet Showing Changes



**FIG. 4A**

Annotated Sheet Showing Changes



FIG. 5A

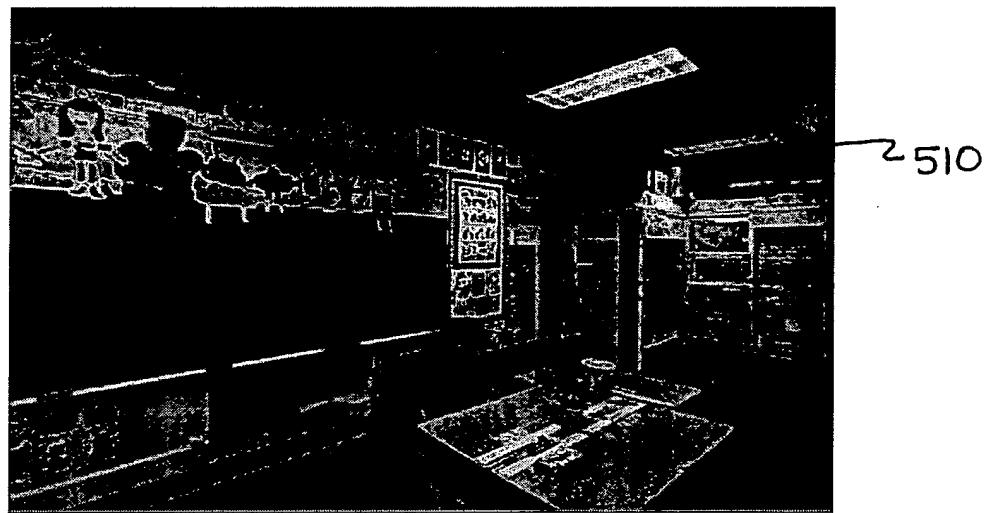


FIG. 5B

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